

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SKYLINE POTATO COMPANY, INC.,)

Plaintiff,)

v.)

C.A. No. 1:10-cv-00698 - ~~CG~~-RHS

TAN-O-ON MARKETING, INC. d/b/a)

TMI; HI-LAND POTATO COMPANY,)

INC.; GERALD R. ANDERSON;)

JULIE A. ANDERSON; MARK)

LOUNSBURY; BILL METZ; and CARL)

WORLEY,)

Defendants.)

MOTION TO DISMISS AS TO DEFENDANT BILL METZ

COMES NOW Bill Metz, by and through his attorneys The Rowe Law Firm, P.C., pursuant to Rule 12(b), and states that the Complaint fails to state a claim upon which relief can be granted against this Defendant, as such the Complaint should be dismissed.

Respectfully submitted,


THE ROWE LAW FIRM, P.C.



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CERTIFICATE OF SERVICE

I hereby certify that on this 17 day of September, 2010, the foregoing pleading was electronically filed with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

A handwritten signature in black ink, appearing to read "G. H. Rowe III", is written over a horizontal line.

Gordon H. Rowe III